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Attorneys for Defendant
COUNTY OF SAN JOAQUIN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MELBA SHAHEED, individually and as
co-successor-in-interest to EBIMOTOMI
AREICE SUALLA; HANEEF SHAHEED,
individually and as co-successor-in-interest
to EBIMOTOMI AREKE SUALLA,

Plaintiffs,

v.

COUNTY OF SAN JOAQUIN, and DOES
1-50, inclusive,

Defendants.

Case No. 2:21-cv-01109-JAM-DB

**STIPULATION AND ORDER GRANTING
PLAINTIFFS WITH LEAVE TO FILE A
SECOND AMENDED COMPLAINT AND
EXTENDING TIME FOR DEFENDANT
SAN JOAQUIN COUNTY TO FILE
RESPONSIVE PLEADING**

Complaint Filed: June 22, 2021
Trial Date: TBD

Plaintiffs Melba Shaheed and Haneef Shaheed (collectively, "Plaintiffs") and Defendant San Joaquin County (the "County") (altogether collectively, the "parties"), by and through their attorneys of record in the above-captioned matter, hereby stipulate and agree that:

WHEREAS, Plaintiffs filed their Complaint on June 22, 2021¹ (ECF No. 1);

WHEREAS, Plaintiffs served the County with the Summons and Complaint on June 24 (ECF No. 4);

WHEREAS, pursuant to Local Rule 144(a) of the United States District Court for the

¹ All dates refer to dates in 2021 unless otherwise indicated.

1 Eastern District of California, the parties stipulated to extend the County's deadline for responding
2 to Plaintiffs' Complaint to August 9 (ECF No. 5);

3 WHEREAS, pursuant to Judge Mendez's "Order Re Filing Requirements" (ECF No. 3-2),
4 on August 2 and August 4, counsel for the parties met and conferred to attempt to informally narrow
5 or resolve the issues to be raised in the County's contemplated Rule 12 motion to dismiss Plaintiffs'
6 Complaint;

7 WHEREAS, as a result of counsel for the parties' good-faith meet and confer efforts, the
8 parties stipulated (1) to give Plaintiffs until August 16 to file a First Amended Complaint to address
9 some or all of the issues which would have been raised in the County's contemplated Rule 12
10 motion to dismiss Plaintiffs' original Complaint, and (2) to extend the County's responsive pleading
11 deadline to August 30 (ECF No. 6), which this Court granted on August 9 (ECF No. 7);

12 WHEREAS, on August 16, Plaintiffs filed their First Amended Complaint (ECF No. 8);

13 WHEREAS, pursuant to Judge Mendez's "Order Re Filing Requirements" (ECF No. 3-2),
14 on August 23, 24 and 25, counsel for the parties met and conferred to attempt to informally narrow
15 or resolve the issues to be raised in the County's contemplated Rule 12 motion to dismiss Plaintiffs'
16 First Amended Complaint;

17 WHEREAS, as a result of counsel for the parties' good-faith meet and confer efforts,
18 Plaintiffs have agreed to file a Second Amended Complaint by August 30 to address some or all of
19 the issues which would have been raised in the County's contemplated Rule 12 motion to dismiss
20 Plaintiffs' First Amended Complaint;

21 WHEREAS, the parties agree there is good cause for this Court to grant Plaintiffs with leave
22 to file a Second Amended Complaint, because no Defendants have answered and the filing of a
23 Second Amended Complaint may obviate the need for the County to file a Rule 12 motion to
24 dismiss;

25 WHEREAS, only Plaintiffs and the County are affected by the parties' joint request that
26 this Court grant Plaintiffs with leave to file a Second Amended Complaint by August 30, and by
27 the parties' joint request for an order extending the County's responsive pleading deadline to
28 September 13;

1 WHEREFORE, the parties jointly seek an order from this Court granting Plaintiffs with
2 leave to file a Second Amended Complaint by August 30;

3 WHEREFORE, the parties jointly seek an order from this Court extending the County's
4 responsive pleading deadline to September 13;

5 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through
6 their respective counsel, that Plaintiffs shall file their Second Amended Complaint by August 30
7 and the County shall file its responsive pleading by September 13.

8 **IT IS SO STIPULATED.**

9 Dated: August 27, 2021

POINTER & BUELNA, LLP

11 By: /s/ *Patrick M. Buelna*

12 Adante D. Pointer
13 Patrick M. Buelna
14 Attorneys for Plaintiffs
MELBA SHAHEED and HANEEF
SHAHEED

15 Dated: August 27, 2021

BURKE, WILLIAMS & SORESENSEN, LLP

17 By: /s/ *Michael A. Slater*

18 Gregory B. Thomas
19 Michael A. Slater
20 Attorneys for Defendant
COUNTY OF SAN JOAQUIN

21 **SIGNATURE ATTESTATION**

22 Under Eastern District of California Civil Local Rule 131(e) (Fed. R. Civ. P. 7), I attest that
23 I obtained concurrence in the filing of this document from all of the above signatories.

24 By: /s/ *Michael A. Slater*

25 Michael A. Slater

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ORDER

The Court, having considered the parties' stipulation, and good cause appearing, **GRANT** Plaintiffs with leave to file a second amended complaint by **August 30, 2021**, and **ORDER** that the County shall file its responsive pleading by **September 13, 2021**.

IT IS SO ORDERED.

Dated: August 27, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE